

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 07 CR 863
v.)
) Magistrate Judge
BELA BALINT,) Sidney I. Schenkier
ADRIAN GHIGHINA, and)
CRISTINA SAVU)

Motion to Dismiss Complaint Without Prejudice

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court to dismiss the indictment against the defendant without prejudice.

1. On December 21, 2007, BALINT, GHIGHINA, and SAVU were charged in the instant case by way of a criminal complaint with having devised and participated in a wire fraud scheme between on or about September 2005 and July 2006.

2. On April 17, 2008, a grand jury sitting in the Northern District of Illinois returned an indictment in case no. 07 CR 862 alleging that BALINT, SAVU, and two co-defendants devised and participated in a wire fraud scheme. Defendants BALINT and SAVU were each charged in that indictment with four counts of wire fraud. The charges in the indictment in case no. 07 CR 862 are premised upon the same fraud scheme underlying the instant complaint.

3. Defendant GHIGHINA was not charged in the indictment in case no. 07 CR 862, as he was known to be a fugitive, and the government did not wish to proceed

in the prosecution in light of his fugitive status.

3. Counsel for defendant SAVU has advised the government that he does not object to dismissal of the complaint in this case.

4. Because GHIGHINA and BALINT are fugitives, no counsel has appeared for either defendant. Therefore, the government has not communicated with counsel for GHIGHINA or BALINT regarding this motion.

WHEREFORE, the United States respectfully requests that the Court enter a minute order dismissing the complaint against defendants SAVU, GHIGHINA, and BALINT without prejudice.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

Date: July 2, 2008

By:

s/Brian Hayes
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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE

was served on **Wednesday, July 2, 2008**, in accordance with FED. R. CRIM. P. 49, FED. R. CIV.P.5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

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